

Edwin J. Wilson, Jr. (Bar No. 48881)
Kurt C. Wendlenner (Bar No. 238434)
WENDEL, ROSEN, BLACK & DEAN LLP
1111 Broadway, 24th Floor
Post Office Box 2047
94604-2047 Oakland, CA 94607-4036
Telephone: (510) 834-6600
Fax: (510) 834-1928

Attorneys for Defendant
Port of Oakland

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRY BROWN,

Plaintiff,

vs.

PORT OF OAKLAND,

Defendant.

Case No. C 08-02358SI

**SUPPLEMENT TO PORT OF
OAKLAND'S CASE MANAGEMENT
CONFERENCE STATEMENT AND
REQUEST FOR CONTINUANCE**

Date: August 22, 2008
Time: 2:00 p.m.
Courtroom: 19

Defendant, Port of Oakland's ("Port") hereby supplements its Separate Case Management Conference Statement as follows:

On August 13, 2008, the Court granted motion to dismiss and Plaintiff was given until September 15, 2008, to file an amended complaint. [Docket No. 17] Currently, there are no allegations identifying the acts of the Port which constitute the basis of plaintiff's claims of discrimination and the Port is unable to meaningfully address those issues which would normally be the subject of a case management conference.

Because of the obvious statute of limitation problems raised in the Port's last dispositive motions, it is highly likely that the filing of an amended complaint will give rise to an additional motion to dismiss and/or for summary judgment.

1 For the above reasons, the Port requests that the Court continue the case management
2 conference, presently set for August 22, 2008, at 2:00 p.m., to a date after September 15, 2008,
3 which is reasonably calculated to allow for the filing and consideration of a new dispositive
4 motion in the event that Plaintiff files an amended complaint.

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6 Dated: August _____, 2008

WENDEL, ROSEN, BLACK & DEAN LLP

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9 By: /s/ Edwin J. Wilson, Jr.
10 Edwin J. Wilson, Jr.
11 Attorneys for Defendant
12 Port of Oakland
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Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036

PROOF OF SERVICE

I, Louis Agront, declare:

I am a citizen of the United States and am employed in Alameda County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607-4036. On August 15, 2008, I served a copy of the within document(s):

**SUPPLEMENT TO PORT OF OAKLAND'S CASE MANAGEMENT CONFERENCE
STATEMENT AND REQUEST FOR CONTINUANCE**

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. The facsimile machine I used complied with California Rules of the Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of the Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Proof of Service.

☐ at my business address identified above by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, and by placing the envelope, addressed as set forth below, for deposit in the United States Postal Service that same day in the ordinary course of business. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ by placing the document(s) listed above in a sealed UPS envelope with overnight deliver fees paid or provided for, addressed to the person(s) on whom it is to be served, at the address(es) set forth below, and causing the envelope to be delivered that same date to a UPS courier or driver authorized by the express service carrier to receive documents for delivery.

☒ by personally delivering true and correct copies of the document(s) listed above in a sealed envelope, addressed to the person(s) at the address(es) set forth below, by leaving the envelope, which was clearly labeled to identify the attorney(es) being served, with the receptionist or other person apparently in charge at the address(es) set forth below.

☒ See attached service list

☒ I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 15, 2008, at Oakland, California.

/s/ Louis Agront
Louis Agront

Service List

Terry Brown
915 E. 21st Street
Oakland, CA 94606
(510) 967-6872

Plaintiff in Pro Se

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036